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REVISED 2016-01-08

LETTER OF INTENT REGARDING LAND USE APPLICATION

Re: **Applicant:** Piedmont Atlantic Capital, LLC
 Subject Property: 2.460 Acres Designated as Fulton County Tax Parcel(s): 11
 099003570271
 Current Zoning: MIX (Mixed Use)
 Proposed Zoning: MIX (Mixed Use)
 Proposed Use: Self-Storage
 ROW Access: Medlock Bridge Road (SR141)

This statement is intended to comply with the application procedures established by the Zoning Ordinance of the City of Johns Creek, Georgia (the "Zoning Ordinance"), the City of Johns Creek Application for Rezoning, Use Permit, & Concurrent Variances, and other City of Johns Creek Ordinances and Standards. The Applicant incorporates all statements made in the Application for Rezoning, Use Permit, & Concurrent Variances by the Applicant (the "Application") as its letter of intent required by the City of Johns Creek.

The Applicant proposes to develop a Self-Storage Facility on the Subject Property. To accomplish this, the Applicant requests a zoning of the Subject Property to the **MIX (Mixed Use) zoning category**, a Use Permit for Self-Storage, as well as concurrent variances, to facilitate this use.

A. Zoning.

The applicant requests that the Subject Property be zoned MIX (Mixed Use) to facilitate the use of the Subject Property as a Self-Storage Facility. The Applicant incorporates herein the statements contained in the Zoning Impact Analysis Form, submitted as part of the Application, to substantiate its zoning request.

B. Use Permit.

The Subject Property is Lot #11 of Johns Creek Walk, Phase II. The Subject Property is located within the 141 Corridor Character Area, and was zoned MIX pursuant to Johns Creek Zoning Case No. RZ-10-008 and Concurrent Variance No. VC-10-008-1.

The Applicant seeks a Use Permit for *Self Storage/Multi*, pursuant to Zoning Ord. § 19.4.41(1).

The proposed business will maintain an initial staff with no more than 2 employees typically onsite at a given time. The facility will not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

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The business is required by the Zoning Ordinance to maintain at least 19 parking spaces; however, as the use will not be parking intensive, the Applicant proposes to provide 10 parking spaces.

C. Variances

1. Variance to Parking Spaces - Zoning Ord. § 18.2.1

In order to utilize the proposed improvements on the Subject Property, the Applicant has requested concurrently, the following variance:

Zoning Ord. § 18.2.1	- Variance of 9 parking spaces to allow minimum number of parking spaces to be 10
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The proposed variance satisfies the standards listed in Zoning Ord. § 22.3.1. Approval of the proposed variance will not contradict the intention of the Zoning Ordinance or the Development Standards in that the performance standards proposed by the Applicant substantially comply with the minimum requirements established in the adjoining Johns Creek Walk development.

With regard to parking, the Applicant anticipates that no more than 2 parking spaces for employees will be needed at a time, and no more than 8 customer parking spaces will be needed at peak times. The proposed parking variance would eliminate unnecessary paving of the property and diminution of the building envelope and landscaped areas.

The circumstances that give rise to the need for the requested variance are unique in that the Subject Property is an existing lot of record, reduced in size from approximately 3.5 acres to 2.460 acres. Approximately 1 acre of Lot 11 was combined with another parcel in Johns Creek Walk, dramatically reducing the size of the Subject Property. Due to the small size and shape of the Subject Property, the zoning buffers, setback requirements, landscaping requirements, and riparian buffers and setbacks, there is so little buildable area that the Subject Property would be unusable unless the variance is approved as requested by the Applicant.

The application of this particular provision of the Zoning Ordinance to the property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, and topography, creates an unnecessary hardship for the owner; furthermore, approval of the proposed variance would cause no detriment to the public. The Applicant did not cause the conditions giving rise to the need for the variance, but requires the variance to facilitate its proposed plan. The variance requested is the minimum necessary to facilitate the proposed development and will have no adverse impact on adjoining property owners.

2. Variance to Exterior Building Materials - Zoning Ord. § 12E.3.D.1.

In order to utilize the proposed improvements on the Subject Property, the Applicant has requested concurrently, the following variance:

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Zoning Ord. § 12E.3.D.1.

- Variance of 50% to the minimum percentage of exterior building materials consisting of brick, natural or pre-cast stone, or glass to allow a minimum percentage of 25% of exterior building materials to consist of brick, natural or pre-cast stone, or glass to allow.

The proposed variance satisfies the standards listed in Zoning Ord. § 22.3.1. Approval of the proposed variance will not contradict the intention of the Zoning Ordinance or the Development Standards in that the performance standards proposed by the Applicant substantially comply with the minimum requirements established in the adjoining Johns Creek Walk development.

Relief to the requirements of Zoning Ord. § 12E.3.D.1., if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance. In this regard, this ordinance is intended to maintain the level of quality and attractive aesthetics of the area. The Applicant is requesting this variance solely for the purpose of better integrating the architectural design of the proposed project with the existing architecture of the surrounding properties, particularly the residential apartments.

As the adjoining property has established a common architectural theme which cannot be strictly complied with concurrently with the requirements of Zoning Ord. § 12E.3.D.1., the application of this particular provision of the Zoning Ordinance to the property, due to extraordinary and exceptional conditions pertaining to that property, creates an unnecessary hardship for the owner; furthermore, approval of the proposed variance would cause no detriment to the public.

The circumstances that give rise to the need for the requested variance is unique in that the adjacent property has been developed as a quasi-residential use; necessitating the aesthetic need to facilitate a complementary architectural design. The Applicant did not cause the conditions giving rise to the need for the variance, but requires the variance to facilitate its proposed plan. The variance requested is the minimum necessary to facilitate the proposed development and will have no adverse impact on adjoining property owners.

Accordingly, the Applicant and owners request that the Applicant's Proposal be granted, as requested by the Applicant. This Letter of Intent shall be included with the Application. By filing this Letter of Intent, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity. The Applicant also reserves the right to amend this Letter of Intent and the Application by supplementing further responses and documents.

Sincerely,



Ethan Underwood,
Attorney for the Applicant

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